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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,951	12/10/2003	Robert Z. Litwin	38190/268504	6760

826 7590 09/28/2005

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EXAMINER
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BASICHAS, ALFRED

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,951	<b>Applicant(s)</b> LITWIN, ROBERT Z.	
	<b>Examiner</b> Alfred Basichas	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 7-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 7-40 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, Species II is acknowledged.

Applicant asserts that claims 1-6, 12, 16, and 17 read on the elected group and species. Nevertheless, a close look at the claims makes it clear that claims 12, 16, and 17 read on Species IV - figs. 10-12. Accordingly, only claims 1-6 appear to read on the elected group and species.

2. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Statz (4,422,434), which shows, among other things, all of the claimed limitations. Statz

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shows a receiver 10, a concave mirror 24, and an optical lens 22, wherein the lens and mirror are rigidly attached. It should be noted that it is inherent that the mirror and lens will direct different amounts of solar radiation toward the receiver, as it is unlikely that the two would direct the exact amount. Further, as practically anything may be deemed removable by the broadest most reasonable interpretation removability satisfies adjustability.

5. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sletten (4,171,695), which shows, among other things, all of the claimed limitations. Sletten shows a receiver 15, a parabolic mirror 16, and an optical fresnel lens 13, wherein the lens and mirror are rigidly attached. It should be noted that it is inherent that the mirror and lens will direct different amounts of solar radiation toward the receiver, as it is unlikely that the two would direct the exact amount. Further, as practically anything may be deemed removable by the broadest most reasonable interpretation removability satisfies adjustability.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shipman (1,683,266), which shows, among other things, all of the claimed limitations. Shipman shows a receiver 10, a rotatable (via worm gear 24,25) parabolic mirror 11-16, and an optical lens 1-7, wherein the lens and mirror are rigidly attached, the mirror and lens will direct different amounts of solar radiation toward the receiver (see at least fig. 1). Further, removability of the lens, as shown in figs. 1 and 2 satisfies the broadest most reasonable interpretation satisfies adjustability.

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***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references disclose solar collectors with many, if not all, of the claimed components. Nevertheless, in order to avoid overburdening the applicant with redundant rejections, these references were not applied.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272 4877. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

September 20, 2005

  
Alfred Basichas  
Primary Examiner